

**DRAFT**

**AUCTIONEER BOARD MEETING  
MINUTES  
AUGUST 25, 2003**

**PRESENT:** Richard Lust, Marie Skic

**TELEPHONE:** Jay Clarke, Mark Shain, Carl Theorin, by telephone conference

**EXCUSED:** Mark Shain was excused at 10:14 a.m.

**STAFF PRESENT:** Jerry Lowrie, Director, Business and Design; Roxanne Peterson, Direct Licensing; Pat Schenck, Program Assistant; Ruby Jefferson-Moore, Legal Counsel; Kelly Cochrane, Division of Enforcement; Darwin Tichenor and Lydia Bridge, Exam Center

**GUESTS:** None

**CALL TO ORDER**

Richard Lust called the meeting to order at 9:27 a.m. A quorum of five members was present. At 10:14 a.m. four members were present.

**AGENDA**

**MOTION:** Marie Skic moved, seconded by Mark Shain, to adopt the agenda, as written. Motion carried unanimously.

**APPROVAL OF FEBRUARY 24, 2003 MINUTES**

**Amendments to the Minutes:**

- Page 3 – “Mandatory Continuing Education”, 2<sup>nd</sup> paragraph. Last sentence should read: “It was noted that any Board member can be an instructor, however can’t receive payment.”
- Page 3 – Last title on page 3, 3<sup>rd</sup> line, “AUCTIONEER CALLS AN AUCTION ON REAL ESTATE AND IF IT”
- Page 4 – “Correspondence Regarding Disciplinary Actions” last paragraph. Correct spelling to “NALLOA”

**MOTION:** Jay Clarke moved, seconded by Marie Skic, to approve the minutes of February 24, 2003 as amended. Motion carried unanimously.

## **ADMINISTRATIVE REPORT**

Roxanne Peterson informed the Board that Secretary Donsia Strong Hill has requested the Board meet three to four times in 2004.

Ms. Peterson will be scheduling the 2004 meeting dates for the Board.

## **BOARD ROSTER**

Noted.

## **2003 MEETING DATES**

The next Board meeting will be on October 27, 2003.

## **SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES**

Noted.

## **BOARD MEMBER WORKSHOP – OCTOBER 14, 2003**

Board members indicated if they would be attending the Board Member Workshop on October 14, 2003.

## **BOARD MEMBER APPOINTMENTS UPDATE**

Ms. Peterson reported that the Board currently has one professional member and one public member vacancy. Ms. Peterson has not received any names from the Governors office on new Board member appointments to fill these vacancies.

## **LEGISLATION**

None.

## **ADMINISTRATIVE RULES**

None.

**EDUCATION AND EXAMINATIONS**  
**TESTING UPDATE – NEW VENDOR TO ADMINISTER THE PRE-LICENSE EXAM,**  
**DARWIN TICHENOR/LYDIA BRIDGE**

Darwin Tichenor stated that the Department has contracted with a new testing agency “Promissor” (formerly ASI) beginning in September, 2003. The examination is offered on the computer at four sites in Wisconsin; Madison, Fox Point, New Berlin and Racine. Candidates can register on-line (promissor.com) or by telephone. The Board noted that there is no representation for exam sites in northern Wisconsin.

Lydia Bridge reported that she has not received any responses from the applications mailed out requesting continuing education course providers for full-filling Auctioneers education requirements. If the Department does not receive any application from providers, the Board members or the Department will have to provide continuing education courses.

**TEST-OUT UPDATE, DARWIN TICHENOR**

Mr. Tichenor reported that the test-out exam should be ready in January 2004. Mr. Tichenor invited all the professional members on the Board to a workshop to help form up the examination. The workshop will be held at the Department, on Tuesday, September 30, 2003, from 8:30 a.m. to 4:30 p.m.

Mr. Tichenor requested that Board members provide him with names of other Auctioneers to help with this workshop. The workshop will consist of evaluating the current questions and involve writing questions in new areas. There are fifteen questions in each of the four course areas.

Mr. Tichenor will mail invitations to the workshop, which will include an agenda for discussion.

**DISCUSSION OF CONTINUING EDUCATION REQUIREMENTS IN OTHER**  
**LICENSING STATES, RICHARD LUST**

Richard Lust presented an up-to-date status of the Wisconsin Auctioneer’s Board at the National Auctioneer License Law Officials Association (NALLOA) meeting in San Antonio, Texas on July 10, 2003. Mr. Lust’s report is printed on page seven in the NALLOA NEWS bulletin, dated August 2003. Ten other states were represented at this meeting.

Wisconsin has gone from having no continuing education, to being one of two states that have the most rigid continuing education requirements.

Other states had suggested that Wisconsin continue the requirement of 12 hours of continuing education, but change the requirements for the next biennium to reflect six classroom hours, a test on the Wisconsin and Federal Laws, and six hours of non-mandatory credit where they’d have to show proof that they had attended an auctioneer related program (National or State).

Other states are downsizing the required courses and giving more electives and allowing people to get credit for attending seminars; NAA or National conventions. Certain subjects or classes at

these seminars could be used for continuing education credits. Attendees must sign in to take a class. If they need credit for continuing education, a verification of attendance will be sent to them. These are some of the new trends other states are using and would be something Wisconsin could consider.

Illinois is having difficulty in finding subject materials to fulfill their present hour requirements for continuing education courses.

**MISCELLANEOUS INFORMATION/CORRESPONDENCE**  
**LETTER FROM NALLOA RE: ATTENDANCE AT NALLOA MEETINGS**

Mr. Lust reported that new officers were elected at the National Auctioneer License Law Officials Association (NALLOA) meeting in San Antonio TX on July 20, 2003. Mr. Lust will attend the NAA Mid-Winter Conference and NALLOA Meeting aboard the Carnival Cruise Lines to the Bahamas, January 11-15, 2004. There will be no cost to the Department. He will be attending in conjunction with the National Auctioneers Association Winter Seminar Cruise.

**MOTION:** Marie Skic moved, seconded by Jay Clarke, that Richard Lust represents the State of Wisconsin at the NAA Mid-Winter Conference and NALLOA Meeting aboard the Carnival Cruise Lines to the Bahamas, January 11-15, 2004. Motion carried unanimously.

**NALLOA NEWS PUBLICATION**

The Board noted disciplinary actions reported in the NALLOA NEWS since June 1, 2003.

**PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT**  
**STIPULATIONS THAT MAY BE SIGNED AFTER MAILING OF AGENDA**

None.

**NEW BUSINESS**

Mr. Lust is concerned that an auctioneer is still operating after his temporary license expired on July 29, 2003. Rules have now changed and a temporary license is granted for only 60 days.

**PUBLIC COMMENTS**

None.

**CLOSED SESSION**

**MOTION:** Marie Skic moved, seconded by Mark Shain, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, the Board intends to deliberate on stipulations, administrative warnings; case closings and monitoring cases. Motion carried by a roll call vote: Richard Lust - yes; Marie Skic - yes; Jay Clarke - yes; and Mark Shain - yes. Motion carried unanimously.

Open Session recessed at 9:56 a.m.

The Board deliberated on the Monitoring Report, the Case Status Report and Case Closings, Proposed Stipulations, and Proposed Administrative Warnings.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Jay Clarke moved, seconded by Marie Skic, to reconvene into Open Session at 10:10 a.m. Motion carried unanimously.

### **VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE**

#### **MONITORING**

None.

#### **CASE CLOSINGS**

##### **02 AUC 037**

**MOTION:** Carl Theorin moved, seconded by Mark Shain, to close case **02 AUC 037** for prosecutorial discretion (P2). Motion carried unanimously.

##### **02 AUC 006**

**MOTION:** Carl Theorin moved, seconded by Marie Skic, to close case **02 AUC 006** for insufficient evidence. Motion carried unanimously.

##### **02 AUC 036**

**MOTION:** Carl Theorin moved, seconded by Jaye Clarke, to close case **02 AUC 036** for prosecutorial discretion (P1). Motion carried unanimously.

## **ADMINISTRATIVE WARNINGS**

### **02 AUC 038 DAVID PACKARD**

**MOTION:** Marie Skic moved, seconded by Jay Clarke, to accept the Administrative Warning as corrected, to list the Auctioneer Board on page two for case **02 AUC 038 DAVID PACKARD**. Motion carried unanimously.

**MOTION:** Carl Theorin moved, seconded by Jay Clarke, to withdraw the Administrative Warning **02 AUC 038** at this time against David Packard until the Board receives further information from the Division of Enforcement regarding his present status. Motion carried unanimously.

## **STIPULATIONS**

None.

## **ADJOURNMENT**

**MOTION:** Carl Theorin moved, seconded by Marie Skic, to adjourn the meeting at 10:32 a.m. Motion carried unanimously.

## **NEXT MEETING: OCTOBER 27, 2003**

- Discussion - Does the Board have the authority to request the Department to mark an Auctioneer's temporary license with an indicator so everyone knows that it's a temporary license, and the holder has not written the examination for Auctioneers.